



ARIZONA DEPARTMENT
OF HEALTH SERVICES

Medical Marijuana Testing
Advisory Council
Findings and Recommendations

December 2021

Medical Marijuana Testing Advisory Council: Findings and Recommendations

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1.0 Council Background

1.1 Council Duties

This report encompasses the work of the Medical Marijuana Testing Advisory Council (Council), convened pursuant to A.R.S. 36-2821 to advise the Director of the Arizona Department of Health Services (ADHS) regarding the administration and implementation of a required medical marijuana testing program. On an annual basis, the Council is charged with reviewing the marijuana testing programs and submitting a report that includes the following:

- An assessment of whether an analyte should be removed from the required testing panel;
- Information about testing-related statements of deficiency and remediation efforts for medical marijuana dispensaries, Independent third-party laboratories, marijuana establishments, and marijuana testing facilities; and,
- Any other recommendations on improving the testing programs.

1.2 Council Membership

In accordance with A.R.S. 36-2821, the Council is comprised of the following members (named list is available in Appendix 1), appointed by the ADHS Director and chaired by the Director's designee:

1. The president or executive director of a statewide nonprofit association representing the marijuana dispensaries, or the person's designee.
2. The president or executive director of a statewide nonprofit cannabis testing association, or the person's designee.
3. The president or executive director of a medical marijuana trade association that does not primarily consist of dispensaries or cannabis laboratory testing facility owners, or the person's designee.
4. A representative of a nonprofit medical marijuana dispensary who is employed by the dispensary to cultivate medical marijuana and who has at least three years of medical marijuana cultivation experience.
5. A representative of an Arizona-based nonprofit medical marijuana dispensary that produces medical marijuana concentrates and that has been regularly sending products for testing who has at least three years of medical marijuana extraction experience.
6. A representative of an Arizona-based nonprofit medical marijuana dispensary that is primarily focused on producing medical marijuana edibles who has at least three years of medical marijuana edible production experience.
7. An owner of an Arizona-based cannabis testing laboratory.
8. A laboratory scientist who holds a doctorate or a bachelor of science degree and who has at least three years of experience in cannabis laboratory testing.
9. A registered qualifying patient.
10. A registered designated caregiver.
11. A representative of the department of public safety.

12. A licensed health care provider who specializes in treating substance use disorders and who has at least five years of experience.
13. One university faculty member from each university under the jurisdiction of the Arizona Board of Regents who has an academic appointment in the chemistry department or another related analytical lab testing area to function as independent subject matter experts.
14. A representative of a laboratory that conducts proficiency testing for laboratories in this state.

1.3 Record of Business

The Council prepared agendas and kept a record of each meeting through complete meeting recordings in compliance with Arizona's Open Meeting Law (A.R.S. Title 38, Chapter 3, Article 3.1). A [Council website](#)¹ was developed to serve as a repository for all information reviewed, presented, and discussed. Agendas and meeting recordings are included on the Council website. Two meetings were held in 2021 - one each in November and December.

¹ "ADHS - Medical Marijuana - Home."
<https://www.azdhs.gov/licensing/medical-marijuana/index.php#testing-advisory-council>. Accessed 23 Nov. 2021.

2.0 Council Recommendations

2.1 Removal of Analytes from the Testing Panel

The Council recommends the following analytes should be removed from the required testing panel:

- Pesticides
 - Acequinocyl
 - DDVP (Dichlorvos) - NOTE: The Council recommends that laboratories monitor and report back to the state all DDVP detections.
 - Cinerin 1 (in the Pyrethrin category)
 - Jasmolin 1 (in the Pyrethrin category)
- Solvents
 - Propane

2.2 Other Recommendations for Improving the Testing Programs

Pursuant to A.R.S 36-2812 (C)(3), Council members may include in this report other recommendations for improving the testing programs. The following are the Council's additional 2021 recommendations:

- ADHS should align the required testing rules between the medical and adult use marijuana testing programs.
- ADHS should develop a transparent, clear, and standardized process for issuing marijuana product recalls.
- A future MMTAC meeting should include a discussion of requirements for a standardized certificate of analysis that includes expiration dates on the test results provided.
- There should be an improved and standardized procedure for edits to certificates of analysis and how these amended reports are reported to clients and patients.
- Beginning in 2022, ADHS should meet at least quarterly with medical marijuana testing program stakeholders.
 - Topics of stakeholder meetings with ADHS could include items such as compounds to monitor for testing or removal from the testing panel; specific items within the Arizona Administrative Code such as batch definitions; items for inclusion on certificates of analysis; technical laboratory procedures; and the product recall process.

3.0 Testing-Related Deficiencies and Remediation*

3.1 *Medical Marijuana Dispensaries and Marijuana Establishments*

Between May 1, 2021 and December 31, 2021, a total of 77 testing-related statements of deficiency comprising 178 citations were issued to 73 licensees (29 medical marijuana dispensaries and 44 marijuana establishments). Plans of correction were submitted to and accepted by ADHS for each of the statements of Deficiency. Appendix 2 provides a deidentified listing of the dispensary and establishment testing-related statements of deficiency and remediation.*

3.2 *Independent Third-Party Laboratories and Testing Facilities*

Between November 1, 2020 and December 31, 2021, a total of 49 testing-related reports of finding comprising 1,378 violations were issued to 18 independent third-party laboratories and testing facilities. Remediation actions included:

- 36 corrective action plans submitted and accepted by ADHS
- 1 consent agreement for withdrawal of applications for testing
- 1 notice of intent to revoke a laboratory registration certificate was issued
- 2 notices of intent to assess civil money penalties issued
- 7 ADHS actions still in progress.

Appendix 3 provides a deidentified listing of laboratory and testing facility inspection reports and corrective actions.*

*The Council voted to authorize ADHS to update these numbers through December 31, 2021, before this Report is published in final form.

Appendix 1 - Council Roster

The Medical Marijuana Testing Advisory Council, established pursuant to A.R.S 36-2812, is comprised of the following individuals:

Council Member	Council Position
Steve Cottrell	Designee of a medical marijuana trade association (A.R.S. 36-2821 (A)(3))
Joseph DeMenna	Registered qualifying patient (A.R.S. 36-2821 (A)(9))
Vince Figarelli	Representative of the Department of Public Safety (A.R.S. 36-2821 (A)(11))
Vacant	Licensed healthcare provider specializing in treating substance use disorders (A.R.S. 36-2821 (A)(12))
Ryan Treacy	Designee of a statewide nonprofit cannabis testing association (A.R.S. 36-2821 (A)(2))
Tabitha Hauer	Owner of an Arizona-based cannabis testing laboratory (A.R.S. 36-2821 (A)(7))
Andrew Provencio	Representative of an Arizona-based nonprofit medical marijuana dispensary primarily focused on producing medical marijuana edibles (A.R.S. 36-2821 (A)(6))
Sam Richard	Designee of a statewide nonprofit dispensary association (A.R.S. 36-2821 (A)(1))
Hope Jones	Laboratory scientist with three years experience in cannabis laboratory testing (A.R.S. 36-2821 (A)(8))
Matthew LaScala	Representative of an Arizona-based nonprofit medical marijuana dispensary who is employed to cultivate medical marijuana (A.R.S. 36-2821 (A)(4))
Blake Jay Neri	Registered designated caregiver (A.R.S. 36-2821 (A)(10))
Jessica Rigler (Chairperson)	ADHS Director's designee
Murray Stein	Representative of an Arizona-based nonprofit medical marijuana dispensary that produces concentrates (A.R.S. 36-2821 (A)(5))

Zhongguo Xiong	Faculty member from University of Arizona who is an academic appointment in the chemistry department or another related analytical lab testing area to function as an independent subject matter expert (A.R.S. 36-2821 (A)(13))
Maxwell Leung	Faculty member from Arizona State University who is an academic appointment in the chemistry department or another related analytical lab testing area to function as an independent subject matter expert (A.R.S. 36-2821 (A)(13))
Alvin Altamirano	Faculty member from Northern Arizona University who is an academic appointment in the chemistry department or another related analytical lab testing area to function as an independent subject matter expert (A.R.S. 36-2821 (A)(13))
Ty Garber	Representative of a laboratory that conducts proficiency testing for laboratories in Arizona (A.R.S. 36-2821 (A)(14))

Appendix 2 - Testing-Related Deficiencies and Remediation: Dispensaries and Establishments

License Type	License	Number of SODs Relating to Testing	Number of Citations for Each SOD Relating to Testing	Remediation Efforts	Resolution of Each SOD
Dispensary	D101	1	11	POC submitted	POC accepted
Dispensary	D102	1	1	POC submitted	POC accepted
Dispensary	D103	1	14	POC submitted	POC accepted
Dispensary	D104	1	1	POC submitted	POC accepted
Dispensary	D105	1	2	POC submitted	POC accepted
Dispensary	D106	1	1	POC submitted	POC accepted
Dispensary	D107	1	1	POC submitted	POC accepted
Dispensary	D108	2	1, 1	POC submitted	POC accepted
Dispensary	D109	1	2	POC submitted	POC accepted
Dispensary	D110	1	1	POC submitted	POC accepted
Dispensary	D111	1	1	POC submitted	POC accepted
Dispensary	D112	1	1	POC submitted	POC accepted
Dispensary	D113	1	1	POC submitted	POC accepted
Dispensary	D114	1	1	POC submitted	POC accepted
Dispensary	D115	1	2	POC submitted	POC accepted
Dispensary	D116	1	12	POC submitted	POC accepted
Dispensary	D117	1	1	POC submitted	POC accepted
Dispensary	D118	1	2	POC submitted	POC accepted

Dispensary	D119	1	1	POC submitted	POC accepted
Dispensary	D120	1	1	POC submitted	POC accepted
Dispensary	D121	1	1	POC submitted	POC accepted
Dispensary	D122	1	5	POC submitted	POC accepted
Dispensary	D123	1	11	POC submitted	POC accepted
Dispensary	D124	1	1	POC submitted	POC accepted
Dispensary	D125	1	1	POC submitted	POC accepted
Dispensary	D126	2	11, 1	POC submitted	POC accepted
Dispensary	D127	1	2	POC submitted	POC accepted
Dispensary	D128	1	2	POC submitted	POC accepted
Dispensary	D129	1	1	POC submitted	POC accepted
Establishment	E201	1	1	POC submitted	POC accepted
Establishment	E202	1	2	POC submitted	POC accepted
Establishment	E203	1	2	POC submitted	POC accepted
Establishment	E204	1	1	POC submitted	POC accepted
Establishment	E205	1	1	POC submitted	POC accepted
Establishment	E206	1	5	POC submitted	POC accepted
Establishment	E207	1	2	POC submitted	POC accepted
Establishment	E208	1	2	POC submitted	POC accepted
Establishment	E209	1	2	POC submitted	POC accepted
Establishment	E210	2	1, 1	POC submitted	POC accepted
Establishment	E211	1	1	POC submitted	POC accepted
Establishment	E212	1	1	POC submitted	POC accepted

Establishment	E213	1	1	POC submitted	POC accepted
Establishment	E214	1	1	POC submitted	POC accepted
Establishment	E215	1	3	POC submitted	POC accepted
Establishment	E216	1	2	POC submitted	POC accepted
Establishment	E217	1	1	POC submitted	POC accepted
Establishment	E218	1	2	POC submitted	POC accepted
Establishment	E219	1	2	POC submitted	POC accepted
Establishment	E220	1	1	POC submitted	POC accepted
Establishment	E221	1	2	POC submitted	POC accepted
Establishment	E222	1	2	POC submitted	POC accepted
Establishment	E223	1	3	POC submitted	POC accepted
Establishment	E224	1	2	POC submitted	POC accepted
Establishment	E225	1	1	POC submitted	POC accepted
Establishment	E226	1	1	POC submitted	POC accepted
Establishment	E227	1	2	POC submitted	POC accepted
Establishment	E228	1	1	POC submitted	POC accepted
Establishment	E229	1	2	POC submitted	POC accepted
Establishment	E230	1	2	POC submitted	POC accepted
Establishment	E231	1	2	POC submitted	POC accepted
Establishment	E232	1	2	POC submitted	POC accepted
Establishment	E233	1	2	POC submitted	POC accepted
Establishment	E234	1	2	POC submitted	POC accepted
Establishment	E235	1	5	POC submitted	POC accepted

Establishment	E236	1	1	POC submitted	POC accepted
Establishment	E237	1	3	POC submitted	POC accepted
Establishment	E238	1	1	POC submitted	POC accepted
Establishment	E239	1	2	POC submitted	POC accepted
Establishment	E240	1	1	POC submitted	POC accepted
Establishment	E241	1	2	POC submitted	POC accepted
Establishment	E242	1	1	POC submitted	POC accepted
Establishment	E243	1	3	POC submitted	POC accepted
Establishment	E244	2	1, 2	POC submitted	POC accepted

Appendix 3 - Testing-Related Deficiencies and Remediation: Laboratories and Testing Facilities

Medical Marijuana Laboratory Inspection Reports and Corrective Actions								
Lab #	Inspection Notes Sent	Status Update Sent	Report of Findings	# of Violations	Corrective Action Plan (CAP)	Additional Information Request	Additional Information Received	ADHS Action
1	NA	NA	Yes	8	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	6	Yes	NA	NA	CAP Accepted
	Yes	Yes	Yes	84				Recommend CMPs
2	NA	NA	Yes	30	Yes	Yes	Yes	LRC Issued
	NA	NA	Yes	70	Yes	Yes	Yes	CAP Accepted
3	NA	NA	Yes	9	Yes	Yes	Yes	Additional Info Accepted
	NA	NA	Yes	3	Yes	Yes	Yes	Additional Info Accepted
	NA	NA	Yes	1	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	4	Yes	NA	NA	CAP Accepted
	Yes	Yes	Yes	45	Yes			NOI to Assess CMPs
4	NA	NA	Yes	2	Yes	NA	NA	LRC Issued
	NA	NA	Yes	20	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	74	Yes	Yes	Yes	Action in Progress
5	NA	NA	Yes	27	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	10	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	7	Yes	NA	NA	CAP Accepted
	Yes	Yes						Action in Progress
6	NA	NA	Yes	23	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	5	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	7	Yes	NA	NA	CAP Accepted
	Yes	Yes	Yes	60				NOI to Assess CMPs
7	NA	NA	Yes	66	Yes	NA	NA	Consent Agreement Withdrawal of Applications for Testing
	NA	NA	Yes	91	NA	NA	NA	
8	NA	NA	Yes	11	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	6	Yes	NA	NA	CAP Accepted
	Yes							Recommend CMPs

9	NA	NA	Yes	16	Yes	Yes	Yes	LRC Issued
10	NA	NA	Yes	24	Yes	Yes	Yes	LRC Issued
	NA	NA	Yes	108	Yes	Yes	Yes	CAP Accepted
	NA	NA	Yes	2	Yes	NA	NA	CAP Accepted
11	NA	NA	Yes	20	Yes	NA	NA	LRC Issued
	NA	NA	Yes	3	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	19	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	42	Yes	Yes	Yes	Additional Info Accepted
	NA	NA	Yes	34	Yes			Action in Progress
	NA	NA	Yes	14	Yes			Action in Progress
12	NA	NA	Yes	1	Yes	NA	NA	CAP Accepted
	NA	NA	Yes	16	Yes	Yes	Yes	Additional Info Accepted
	Yes	NA	Yes	208	Yes	NA	NA	Amended NOI to Revoke LRC
	Yes	NA	Yes	61	Yes	NA	NA	
13	NA	NA	Yes	9	Yes	NA	NA	LRC Issued
	NA	NA	Yes	47	Yes	NA	NA	CAP Accepted
14	NA	NA	Yes	18	Yes	NA	NA	LRC Issued
	NA	NA	Yes	7	Yes	NA	NA	CAP Accepted
15	NA	NA	Yes	8	Yes	NA	NA	LRC Issued
	NA	NA	Yes	20	Yes	Yes		Action in Progress
16	NA	NA	Yes	15	Yes	NA	NA	LRC Issued
17	NA	NA	Yes	11	Yes	NA	NA	LRC Issued
18	NA	NA	Yes	6	Yes	NA	NA	CAP Accepted

LRC = Laboratory Registration Certificate
NOI = Notice of Intent
CMP = Civil Money Penalty
CAP = Corrective Action Plan

Note: No Marijuana Testing Facilities (Adult Use) applied during the time period.